

CONDITIONS OF APPROVAL - EXHIBIT D
Tract Map TR3059 (Belridge Park, LLC)

Approved Project

1. A Tract Map/Conditional Use Permit portion of the proposal is to subdivide two existing parcels totaling 1.92 acres into 14 parcels ranging in size from 3,548 to 12,509 square feet as a planned development. Twelve of the resulting parcels will be developed with single family residences ranging in size from 1,200 to 1,300 square feet with 400-500 square foot attached garages. One parcel (Lot 13) will be a private park area for the development and the other parcel (Lot 14) will be a private street.

Access and Improvements

2. Roads and/or streets to be constructed to the following standards, unless design adjustments are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
 - a. Elm Street constructed to an A-2 urban street section, full improvements on the project side, plus a full travel lane on the opposite side (20-foot minimum paved width), within a minimum 40-foot dedicated right-of-way easement, fronting the property.
 - b. A private access road serving Parcels 1 through 13 shall be constructed to Five Cities Fire Authority standards within a minimum 30-foot private access and utility easement with additional easement width as necessary to contain all elements of the roadway prism. The access road shall terminate in a standard cul-de-sac or other approved terminus that meets Five Cities Fire Authority standards. Design shall include pervious pavers and will be designed to be able to accommodate service vehicles on a regular basis. The turnaround shall also include, at a minimum, two bollards at the end of the turnaround to avoid any hazards between vehicles and the open space area.
 - c. Access for the Haas Lane to Elm Street shall be provided by constructing a County B-3 standard driveway.
 - d. Except for Haas Lane, all existing access connections to Elm Street shall be demolished, scarified, re-vegetated, fenced and the Elm Street shoulder restored in accordance with County urban street standards.
 - e. All roadway grading shall be done in accordance with Appendix J of the current California Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Offers, Easements and Restrictions

3. The applicant offer for dedication to the public by certificate on the map or by separate document:
 - a. For road widening purposes, a variable road right-of-way along Elm Street of sufficient width to contain all elements of the roadway prism.

4. The applicant shall reserve the following private easements by certificate on the map or by separate document:
 - a. A minimum 30-foot shared private access and utility easement in favor of Parcels One through Thirteen with additional width as necessary to include all elements of the roadway prism and the cul-de-sac or other Five Cities Fire Authority road terminus.
5. The applicant shall show the following restrictions by certificate on the map or by separate document:
 - a. Access shall be denied to lots 8 and 9 from Elm Street and this shall be by certificate and designation on the map.
 - b. If drainage basins are required, then the drainage basins shall be indicated as a building restriction on the map.
6. If a drainage basin is required, the drainage basin along with rights of ingress and egress shall be granted to the public in fee free of any encumbrances offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns reserved as a drainage easement in favor of the owners and assigns.

Improvement Maintenance

7. Roads and/or streets shall be maintained as follows:
 - a. The interior access road for the subdivision shall not be accepted for County maintenance following completion and certification of improvements. The developer shall establish a Property Owners Association or other organized and perpetual mechanism to ensure adequate private maintenance, acceptable to the Department of Planning and Building.
8. **Prior to map recordation**, the developer shall submit a proposed Constructive Notice for the subdivision to the County Public Works Department for review and approval. The constructive notice shall provide at a minimum the following provisions:
 - a. The maintenance, within the public road right of way and/or any public pedestrian easement adjacent thereto, of the sidewalks, landscaping, street lights and pedestrian amenities fronting each of the separate lots or parcels within the subdivision in accordance with the County Public Improvement Standards shall be the sole responsibility of the owner of each of the separate lots or parcel aforesaid and said owner's heirs, executors, administrators, successors and assigns in perpetuity, or until specifically accepted for maintenance by a public agency.
 - b. After approval, the Constructive Notice shall be recorded in the office of the County Recorder and a copy of the recorded document submitted to the Public Works Department.

Grading

9. Grading plans shall be prepared by a Registered Civil Engineer and submitted to the Department of Public Works for approval. The plan is to include, as applicable:
 - a. Road plan and profile for the required onsite share access road improvements.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Erosion and sedimentation control plan for road related improvements.
 - d. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.

Improvement Plans

10. Improvement plans shall be prepared in accordance with County Public Improvement Standards by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include, as applicable:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan to be approved jointly with County Environmental Health.
 - d. Sewer plan to be approved jointly with County Environmental Health.
 - e. Sedimentation and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities, including two streetlights along the interior street within the subdivision, to serve every lot.
 - g. Except for Haas Lane, all existing access connections to Elm Street shall be demolished, scarified, revegetated, fenced and the Elm Street shoulder restored in accordance with county standards.
 - h. Retaining walls and fencing along the northern property line shall not have a separation between the new fencing and existing fencing due to maintenance and safety concerns.
11. **Prior to recordation of the Final Map**, the applicant shall install two street lights along the interior street within the subdivision which complies with the County Public Improvement Standards. The applicant shall establish a financing mechanism, satisfactory to the Department of Public Works, to pay for the ongoing operation and maintenance required for the street lighting.
12. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
13. The Registered Civil Engineer, upon completion of the improvements, shall certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Drainage

14. Submit complete drainage calculations to the Department of Public Works for review and approval. If calculations so indicate, drainage must be retained or detained in a shallow drainage basin on the property. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basin(s) is to be maintained in perpetuity.

Stormwater Pollution Prevention

15. In accordance with the Land Use Ordinance, Section 22.10.155 for Stormwater Management, the "*Private Stormwater Conveyance Management and Maintenance System*" shall be submitted to the Department of Public Works for review and approval. Upon approval, the applicant shall record with the County Recorder's Office the "*Private Stormwater Conveyance Management and Maintenance System*" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

Utilities

16. All existing overhead electric power, telephone and cable television transmission and distribution lines fronting or contained within the project boundary shall be relocated underground and the poles removed.
17. All new electric power, telephone and cable television services shall be completed to each new parcel and ready for service. Applicant responsibilities for electric service and distribution line extensions (facilities and equipment) are detailed in PG&E Electric Rule No. 15 and Rule No. 16, respectively.
18. **Prior to final map recordation**, electric, telephone and cable television services shall be completed, and shall meet the utilities' installation requirements, unless (in-lieu) financial arrangements with the utility for the installation of these systems have been made.

Design

19. The lots shall be numbered in sequence.
20. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

Fire Protection

21. The applicant shall obtain a fire safety clearance letter from the Five Cities Fire Authority establishing fire safety requirements prior to filing the final parcel or tract map.

Parks and Recreation (Quimby) Fees

22. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total

number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Inclusionary Housing

23. **Prior to filing the final parcel map or tract map**, the applicant shall enter into an inclusionary housing agreement to ensure the construction of inclusionary housing unit(s), in conformance with Section 22.12.080. As an alternative, the applicant may pay the residential in-lieu fee pursuant to Section 22.12.080.C.2.b, or defer in-lieu fee payment pursuant to Section 22.12.080.J.4.c.

Easements

24. The property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel prior to filing of the final parcel or tract map.

Mitigations

25. **Prior to issuance of construction permits/subdivision public improvement plans**, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall include at a minimum:
- a. List of personnel involved in the monitoring activities;
 - b. Description of how the monitoring shall occur;
 - c. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
 - d. Description of what resources are expected to be encountered;
 - e. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered “significant” archaeological resources?);
 - f. Description of procedures for halting work on the site and notification procedures;
 - g. Description of monitoring reporting procedures.
26. **During initial ground disturbing construction activities**, the applicant shall retain a qualified archaeologist approved by the Environmental Coordinator to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.
27. **Upon completion of all monitoring/mitigation activities, and prior to final acceptance of subdivision public improvements or prior to occupancy or final inspection (whichever occurs first) (as applicable)**, the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

Additional Map Sheet

28. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
- a. If a fenced drainage basin is required, that the Homeowners Association is responsible for on-going maintenance of drainage basin fencing, in perpetuity.
 - b. If a drainage basin is required, that the Homeowners Association is responsible for on-going maintenance of drainage basin/adjacent landscaping in a viable condition on a continuing basis into perpetuity. The basin(s) area shall be indicated as a building restriction.
 - c. All driveway approaches shall be constructed in accordance with County Public Improvement Standards. All driveway approaches constructed on County roads or project related roads to be accepted for County maintenance shall require an encroachment permit.
 - d. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
 - e. Notification shall include typical and potential hours of operation, the types of crops grown, and the usual activities that may occur. This would include noise, dust, odors, legal pesticide use, lights, nighttime operation, and early morning activity. Notification shall also include language that identifies that the adjoining agricultural land is permanently protected for agricultural uses. Future agricultural uses might vary from current uses and might include greenhouses, processing facilities, nighttime operation, wind machines, odor, dust, noise, legal chemical applications, use and creation of compost, changes in irrigation patterns and water use, and the intensification of land that is not currently farmed. The establishment of new agricultural uses, if done according to usual and accustomed agricultural practices, will not be considered a nuisance from the time of establishment.
 - f. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
 - g. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 1. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 2. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
 - h. Notification to prospective buyers that all subdivision streets/roads within the subdivision are to be privately maintained until accepted by a public agency, indicating the proposed maintenance mechanism.
 - i. The applicant shall demonstrate that the project construction plans are in conformance with the Source Control BMPs as identified for project incorporation in the applicant's Stormwater Quality Plan Application for Priority Projects.
 - j. The Homeowners Association shall be responsible for the operation and maintenance of public road frontage sidewalks, landscaping, street lighting and

pedestrian amenities in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.

Air Quality

- k. Only the following types of wood burning devices shall be allowed (based on District Rule 504): a) EPA-Certified Phase II wood burning devices; b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; d) pellet-fueled woodheaters; or e) dedicated gas-fired fireplaces. **Prior to construction permit issuance**, such devices shall be shown on all applicable plans, and installed as approved by the County.
- l. As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, the APCD's Enforcement Division may be contacted (805/781-5912).
- m. Fugitive PM10 Mitigation Measures (All required PM10 measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD prior to construction/ grading permit issuance)
 - 1. Reduce the amount of the disturbed area where possible;
 - 2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 - 3. All dirt stock-pile areas should be sprayed daily as needed;
 - 4. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

Covenants, Conditions and Restrictions

- 29. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval and recordation along with the map. The CC&R's shall provide for the establishment of a Homeowners Association and shall also have at a minimum the following provisions:
 - a. If a fenced drainage basin is required, on-going maintenance of drainage basin fencing, in perpetuity.
 - b. If a drainage basin is required, on-going maintenance of *drainage basin / adjacent* landscaping in a viable condition on a continuing basis into perpetuity.
 - c. Maintenance of common area Lots 13 and 14 (park and road/sidewalks respectively).
 - d. Maintenance of street lighting.

- e. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- f. Notification shall include typical and potential hours of operation, the types of crops grown, and the usual activities that may occur. This would include noise, dust, odors, legal pesticide use, lights, nighttime operation, and early morning activity. Notification shall also include language that identifies that the adjoining agricultural land is permanently protected for agricultural uses. Future agricultural uses might vary from current uses and might include greenhouses, processing facilities, nighttime operation, wind machines, odor, dust, noise, legal chemical applications, use and creation of compost, changes in irrigation patterns and water use, and the intensification of land that is not currently farmed. The establishment of new agricultural uses, if done according to usual and accustomed agricultural practices, will not be considered a nuisance from the time of establishment.
- g. Maintenance of all streets/roads (Lot 14) within the subdivision until acceptance by a public agency.
- h. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.

Miscellaneous

- 30. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 31. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
- 32. Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final parcel or tract map. The date and person who prepared the report are to be noted on the map.
- 33. Prior to the sale or development of the designated remainder or omitted parcel, if applicable, the applicant shall obtain approval of a certificate of compliance or conditional certificate of compliance from the county.
- 34. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map.

**STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS USING
COMMUNITY WATER AND COMMUNITY SEWER**

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved Public water source shall be assured prior to the filing of the final map. A “final will serve” letter shall be obtained and submitted to the Environmental Health Services for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Construction of required improvements (water main extensions, laterals to each parcel) may be delayed, through preparation of plans, posting of bonds, and subject to the approval of County Public Works, Environmental Health Services, and the public water utility. However, bonding may not occur for the water well(s) construction, quantity and quality.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by Environmental Health Services.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and Environmental Health Services destruction standards. The applicant is required to obtain a permit from Environmental Health Services.
5. When a potentially operational or existing auxiliary water supply (in the form of an existing well(s)) is located on the parcels created by this subdivision and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Code).
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a “final will serve” letter be obtained and submitted to Environmental Health Services for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of the County Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from County Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.

11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map "check prints" to County Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to County Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be completed prior to recordation of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with the Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.